

82D CONGRESS
1st Session

} HOUSE OF REPRESENTATIVES {

REPORT
No. 768

ELIMINATION OF THE JURAT OR SWORN STATEMENT OF POSTMASTERS IN SUBMITTING REPORTS

JULY 27, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WHITAKER, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany S. 1246]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1246) to amend certain laws relating to the submission of postmasters' accounts under oath, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

The purpose of this legislation to eliminate the necessity for the jurat or sworn statement by postmasters in submitting reports to the Postmaster General and, also, to eliminate the requirement of the quarterly report from each postmaster, leaving the interval of reports up to the Postmaster General.

The bill also eliminates certain obsolete provisions relating to paying postmasters based on stamp cancellations. They are now paid on the basis of gross receipts.

Hearings were held which developed the fact that the oath was not essential to the submission of the accounts by individual postmasters and that if there was to be any action taken against individual postmasters for submitting false accounts, it would be based on the submission of the false accounts and not the oath.

The committee points out that in many other instances, for example, the income-tax returns, sworn statements were eliminated.

Taking into consideration that there are more than 42,000 postmasters in the country, there is approximately a \$10,000 annual cost in notary funds charged to postmasters that is not necessary. Also, in some small post offices, postmasters may be required to go to a

different locality in order to make the sworn statement before an appropriate officer. Eliminating the quarterly report and placing it upon a basis as required by the Postmaster General is in harmony with the intent of the Financial Control Act of the Post Office Department last year.

The letter of the Postmaster General recommending this legislation is as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington 25, D. C., March 21, 1951.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Transmitted herewith, for consideration by the Congress, is proposed legislation to amend certain laws relating to the submission of postmasters' accounts under oath, and for other purposes.

Pursuant to the laws embodied in sections 42, 43, and 45 of title 39, United States Code, the accounts submitted to the Postmaster General by postmasters must be rendered under oath. The laws embodied in sections 42 and 43 of title 39, United States Code, which are predicated on section 3843 and section 3844, respectively, of the Revised Statutes, provide:

(39 U. S. C. 42)

"Every postmaster shall render to the Postmaster General, under oath, and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him or at his office, for postage, rent of boxes or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever."

(39 U. S. C. 43)

"The Postmaster General may require a sworn statement to accompany each quarterly account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box rents, charges, and moneys collected or received at his office during the quarter; that he has not knowingly delivered, or permitted to be delivered, any mail matter on which the postage was not at the time paid; that such account exhibits truly and faithfully the entire receipts collected at his office, and which, by due diligence, could have been collected; and that the credits he claims are just and right."

The law in section 45 of title 39, United States Code, provides:

"In any case where the Postmaster General shall be satisfied that a postmaster has made a false return of business, or that a postmaster has mailed or caused to be mailed matter in order to obtain commissions on cancellations of stamps, it shall be within the discretion of the Postmaster General to withhold commissions on such returns and to allow any compensation that under the circumstances he may deem reasonable or proper. The form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General."

It is believed there is no longer a useful purpose to be served by the requirement that each postal account rendered by a postmaster be sworn to by the execution of a jurat. A certification by the postmaster would carry as much credibility and would make the certifying individual just as responsible as does an oath. The law with respect to the making of a false statement willfully in any matter within the jurisdiction of any department of the United States (18 U. S. C. 1001), and the law covering false, fictitious, or fraudulent claims (18 U. S. C. 287) provides strong penalties for an offender.

It is therefore proposed to amend the laws in sections 42, 43, and 45, title 39, United States Code, to eliminate the requirement for the submission of postmasters' accounts under oath.

It also is proposed to make other changes in the laws to remove the requirement that the accounts be submitted quarterly, and to permit such accounts to be submitted at such times as the Postmaster General may require. This change is in line with the Post Office Department Financial Control Act of 1950 (Public Law 712, 81st Cong., 2d sess.). Under that act it is incumbent upon the Postmaster General to establish and maintain adequate and efficient systems of accounting and of internal control over the affairs of the Department.

In addition, certain obsolete provisions would be deleted from the provisions of 39 United States Code 45. Postmasters are no longer paid commissions on stamp cancellations.

It is believed that the proposed legislation submitted herewith will accomplish the purposes desired, and its early enactment is recommended.

It has been ascertained from the Bureau of the Budget that there is no objection to the submission of this report to the committee for its consideration.

Sincerely yours,

V. C. BURKE,
Acting Postmaster General.

The Comptroller General, in his report, recommends that the bill be amended to provide that the Comptroller General rather than the Postmaster General have the final disallowance of postmasters' accounts. It was pointed out at the hearings of the committee that the legislation does not address itself as to the question of final disallowance of postmasters' accounts and that this appears in the bill only because it was necessary to repeat part of the law amended by this legislation and in that part of the law which is repeated appears the provision for final disallowance of postmasters' accounts.

The Comptroller General is in agreement with the objectives of the bill which will (a) eliminate the requirement for sworn statements submitted with postmasters' accounts and (b) give the Postmaster General discretion as to when submission of the accounts is scheduled.

The report of the Comptroller General follows:

GENERAL ACCOUNTING OFFICE,
COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, July 17, 1951.

Hon. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

MY DEAR MR. CHAIRMAN: Reference is made to your informal request of May 16, 1951, for a separate report on S. 1246, Eighty-second Congress, entitled, "A bill to amend certain laws relating to the submission of postmasters' accounts under oath, and for other purposes."

The provisions of 39 United States Code 42 require postmasters to render quarterly accounts under oath in such form as the Postmaster General shall prescribe. Also, 39 United States Code 43 sets forth the form of sworn statement which the Postmaster General may require to accompany each quarterly account and 39 United States Code 45 provides, in part, that the Postmaster General may prescribe the form of affidavit to be made by postmasters upon their returns.

The bill provides for the amendment of such provisions of sections 42, 43, and 45 of title 39, United States Code, to permit the Postmaster General to require a certification on each postal account in lieu of requiring each account to be sworn to by the execution of a jurat. Also, section 1 (a) of the bill would amend 39 United States Code 42 to remove the requirement that the postmasters' accounts be submitted quarterly and would permit such accounts to be submitted "in such form and at such times" as the Postmaster General may prescribe. Upon removal of the requirement for quarterly returns, consideration should be given to an amendment to the provisions of section 8 (a) of the act of July 6, 1945, Public Law 134 (59 Stat. 437), requiring the adjustment of postmasters' compensation upon the basis of "quarterly" returns.

Under the provisions of 18 United States Code 1001, strong penalties are prescribed for the making of a false statement willfully in any matter within the jurisdiction of any Department of the United States. Similar penalties are prescribed in 18 United States Code 287 for making any false, fictitious, or fraudulent claims against the Government. It appears that a postmaster would be just as liable under such provisions for a false certification as he would for a false oath. Hence, the feature of the bill relative to a certification by a postmaster in lieu of an oath would not appear to be objectionable.

The general authority under section 2 (b) of the Post Office Department Financial Control Act of 1950, approved August 17, 1950, Public Law 712, for the Postmaster General to establish and maintain adequate and efficient systems

of accounting and of internal control appears sufficiently broad to authorize the Postmaster General to prescribe the form and the time of submissions of accounts of postmasters without additional legislation such as now is contained in 39 United States Code 42, or as proposed in section 1 (a) of the bill. Hence, it is recommended that section 1 (a) of the bill be amended to repeal the provisions of 39 United States Code 42.

While section 1 (b) of the bill prescribes the form of certification to accompany "each account," section 1 (c) provides that the form of certification to be made by postmasters "upon their returns" shall be such as may be prescribed by the Postmaster General. It is my understanding that "each account" of a postmaster and "their returns" as those two terms are used in the bill, are one and the same thing. Hence, either the provisions of section 1 (b) or the provisions of section 1 (c) relative to the certification should be omitted from the bill.

In addition to the above, section 1 (c) of the bill would reenact, in a modified form, the provisions of 39 United States Code 45 relative to the authority of the Postmaster General to withhold compensation where a postmaster has made a "false return of business" and to allow any compensation he may deem reasonable or proper under the circumstances.

The compensation of postmasters is adjusted each fiscal year under section 8 (a), Public Law 134, above, from their respective quarterly returns for the preceding calendar year based upon the gross postal receipts of their office. When a postmaster makes a false return of business by inflating his gross receipts, there generally results a subsequent increase in the postmaster's compensation. Also, inflated gross receipts often result in a succeeding postmaster receiving a higher rate of compensation than authorized by statute, or an advancement in the class of a post office, or the employment of an additional clerk or the granting of excess allowances for rent, fuel, and light.

It is my opinion that a postmaster who makes a false return of business is not entitled to any consideration in adjusting his compensation within the discretion of the Postmaster General as now permitted under 39 United States Code 45, but that his compensation should be reduced retroactively to the rate specified for the true gross receipts as reconstructed by the Postmaster General. Hence, it is my recommendation that section 1 (c) of the bill be amended to provide for the repeal of the provisions of section 39, United States Code 45.

In view of the objections to the bill as set out above, favorable consideration thereof in its present form is not recommended.

Sincerely yours,

FRANK L. YATES,
Acting Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed the Senate, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 3843, REVISED STATUTES (39 U. S. C. 42)

Every postmaster shall render to the Postmaster General, [under oath, and] in such form *and at such times* as the latter shall prescribe, [a quarterly account] *accounts* of all moneys received or charged by him or at his office, for postage, rent of boxes, or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever or for the performance of any other function connected with his office.

SECTION 3844 (REVISED STATUTES (39 U. S. C. 43))

The Postmaster General may require a [sworn statement] *certification* to accompany each [quarterly] account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box rents, charges, and moneys collected or received at his office during the [quarter] *accounting period*; that he has not knowingly delivered, or permitted to be delivered, any mail matter on which the postage was not at the time [paid;] *paid*, that such account

exhibits truly and faithfully the entire receipts collected at his office, and which, by due diligence, could have been collected; and that the credits he claims are just and right.

ACT OF JUNE 17, 1878, CHAPTER 259, SECTION 1 (20 STAT. 141), AS AMENDED BY ACT OF JUNE 18, 1934, CHAPTER 578 (48 STAT. 989), ENTITLED "AN ACT TO ENABLE THE POSTMASTER GENERAL TO WITHHOLD COMMISSIONS ON FALSE RETURNS MADE BY POSTMASTERS" (39 U. S. C. 45)

In any case where the Postmaster General shall be satisfied that a postmaster had made a false return of business, [or that a postmaster has mailed or caused to be mailed matter in order to obtain commissions on cancellations of stamps,] it shall be within the discretion of the Postmaster General to withhold [commissions] *compensation* on such returns and to allow any compensation that under the circumstances he may deem reasonable or proper. The form of [affidavit] *certification* to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General.



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and the only one which is not a copy of the original. The original is a copy of the original and the only one which is not a copy of the original. The original is a copy of the original and the only one which is not a copy of the original.

For the purpose of this Act, the term "Postmaster" shall mean the Postmaster General or any other person who is authorized to perform the duties of the Postmaster General. The term "Postmaster" shall also include any person who is authorized to perform the duties of the Postmaster General.

In any case where the Postmaster General shall be satisfied that a person or persons have been guilty of a crime or crimes, he may cause the same to be referred to the proper authorities for their consideration. The Postmaster General may also cause the same to be referred to the proper authorities for their consideration. The Postmaster General may also cause the same to be referred to the proper authorities for their consideration.

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